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09/741,848	12/22/2000	William Silver	264793 / C00-032	8548

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 02/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/741,848

**Applicant(s)**

SILVER ET AL.

**Examiner**

Steven P Sax

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blowers et al (6298474) and Kiraly et al (6088731).
4. Regarding claim 1, Blowers et al show selecting via a user interface on a given device a machine vision tool (Figure 2, column 3 lines 25-35, column 8 lines 35-40 and 49-57), selecting via the user interface training parameter information (column 3 lines 60-68, column 8 lines 47-65), sending the selected training information to the device and tool (column 9 lines 7-30), commanding the device to train the tool using the information (column 9 lines 7-37, column 10 lines 1-24, column 11 lines 43-7). Blowers et al do not show the interface being a web browser, but do show effective communication for training and collecting information to a separate interface (column 13 lines 3-10). Furthermore, Kiraly et al show a web browser interface (column 6 lines 50-

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60) in a system which trains and collects information to a separate interface (Figure 4, column 10 lines 45-68, column 11 lines 10-30). This is done for effective communication for training and collecting information to a separate interface. It would have been obvious to a person with ordinary skill in the art to have the web browser in Blowers et al, because it would allow convenient effective communication for training and collecting information to a separate interface. The machine tool itself is on a remote platform then.

5. Regarding claim 2, the training information includes entering training parameters (Blowers et al column 9 lines 7-12).

6. Regarding claim 3, an imaging device is selected, and an image acquiring device thereto connected is commanded to acquire an image and send it to the tool device (Blowers et al column 9 lines 40-45, column 13 lines 3-10). Using the web browser is obvious as explained in paragraph 4 of this Office Action.

7. Regarding claim 4, in addition to what is mentioned in paragraph 6 of this Office Action, note that the image is acquired during training selection (Blowers et al column 9 lines 1-10).

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8. Regarding claim 5, in addition to the above, the image is displayed on the display of the device and a region of interest is selected and sent to the tool device (Blowers et al column 9 lines 44-65).

9. Regarding claim 6, the tool device and the interface may be the same device (Figure 2 of Blowers et al). The obviousness for the interface to be the web browser is explained above.

10. Claim 7 shows the same features as above and is rejected for the same reasons.

11. Regarding claim 8, the training information includes an outline drawn on a screen using a pointing device (Blowers et al Figures 7-8, column 8 lines 9-20).

12. Regarding claim 9, an indicator of the file is included in the training information (Blowers et al column 10 lines 51-57).

13. Regarding claim 10, the information includes CAD data (Blowers et al column 8 lines 22-25), but neither Blowers et al nor Kiraly et al show specific DXF files or AutoCAD data. However, the Examiner takes Official Notice that DXF files with AutoCAD data are well known in the art, as applicants even state in the specification

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page 8. It would have been obvious to a person with ordinary skill in the art to include DXF files with AutoCAD data in the Blowers et al machine vision tool training system, because it would be a convenient way to communicate training information.

14. Regarding claim 11, a training model is produced (Blowers et al column 9 lines 15-25, column 11 lines 15-47).

15. Regarding claims 12 and 13, the model is stored in the interface device or the tool device (Blowers et al column 9 lines 15-25).

16. Claims 14-17 show the same features as above and are rejected for the same reasons.

17. Regarding claim 18, a live image is updated on the screen (Blowers et al Figure 7, column 9 lines 12-16).

18. Claims 19-27 show the same features as above and are rejected for the same reasons, including the obviousness of having the web browser as the interface on the display.

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19. Regarding claims 28-31, Kiraly et al show the HTML format (column 11 lines 20-25 for example) as part of the browser system. Neither Blowers et al nor Kiraly et al specifically show the XML or Java applets, but the Examiner takes Official Notice that these are well known in the art. It would be obvious to a person with ordinary skill in the art to use them in a browser communication system for convenient communication.

20. Claims 32-38 show the same features as above and are rejected for the same reasons.

21. Regarding claim 39, multiple devices may have a machine vision tool (Blowers et al Figure 2, column 7 lines 60-68).

22. Regarding claims 40-43, in addition to the aforementioned, the obviousness to use the web browser has been stated above. Kiraly et al transmits this information over the Internet (column 2 lines 63-66). It is inherent in a web system, that data is transmitted remotely, between separate devices which may be in different buildings.

23. Applicant's arguments filed 12/4/04 have been fully considered but they are not persuasive. Applicant mentions that Blowers does not mention web browsers. This is the bulk of applicant's response, and on page 16 applicant acknowledges that Examiner

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was not using Blowers for that purpose. The evidence of web browsers is brought out in Kiraly. The motivation is proper, for effective communication for training and collecting information to a separate interface. This motivation is supported in Blowers, if at a minimum to simply communicate it to the interface remotely from the direct part of the tool. Applicant continues by summarizing each claim – thee features are shown in the art as described above.

**24.THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582.

The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

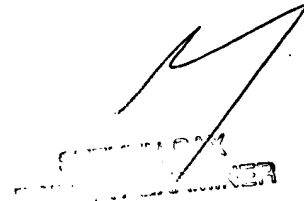
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The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306

Official Communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature, possibly reading "M. J. [unclear]", is written over a rectangular stamp. The stamp contains the word "RECEIVED" in a bold, sans-serif font, with some smaller, less legible text below it.